

# STATE OF RHODE ISLAND PROCUREMENT REGULATIONS (1995 UPDATE)

## PURSUANT TO CHAPTER 37 - 2 OF THE GENERAL LAWS OF RHODE ISLAND STATE PURCHASES

**PURPOSE OF THE REGULATIONS:** These regulations have been developed to provide a framework for implementation of the letter and intent of State Purchasing Law, Chapter 37-2 of the General Laws of Rhode Island. The procurement activities of all state agencies are governed by this document. Among other provisions, the legislation and regulations set forth herein prohibit state agency administrators from committing funds or entering into agreements without the **express** written authorization of the Chief Purchasing Officer. Each agency director must be familiar with these regulations and must indoctrinate his/her personnel in their implementation.

**LEGISLATIVE INTENT:** The major thrust of the legislation is the creation of a framework for enhanced opportunities for competitive procurement and increased accountability for state officials through the centralization of purchasing functions for state agencies. The legislation names the Director of the Department of Administration the state's Chief Purchasing Officer and requires all state agencies and commissions to adhere to certain mandates of the law and comply with regulations, policies and procedures promulgated by the Chief Purchasing Officer. Certain public agencies are not under the jurisdiction of the Chief Purchasing Officer but must adhere to all requirements of the legislation.

**ADMINISTRATIVE PROCEDURES ACT:** On July 10, 1989, House Bill 89-H 5000 Substitute A as amended (known as the "Lamb Legislation"), an Act Relating to State Purchases, was signed into law. The Act repealed in its entirety Chapter 37-2 of the General Laws of Rhode Island, and substituted new language to institute legal mandates based on the Model Procurement Act published by the American Bar Association. The legislation, effective when the Governor signed the bill, made provision for a January 1, 1990, implementation date. In accordance with the Administrative Procedures Act (Title 42, Chapter 35 of the General Laws of Rhode Island), a Public Hearing was held on December 7, 1989, on the draft regulations promulgated by the Chief Purchasing Officer, pursuant to the requirements of Chapter 37-2. In addition to comments provided at the hearing, written comments and suggestions were received from state and public agencies and from trade organizations. Consideration of these comments and further dialogue demonstrated that, due to the complexity and depth of the requirements of the new law, refinements and additions to the regulations should be considered in relation to a relevant body of administrative procedures. Therefore, in accordance with the provisions of the Administrative Procedures Act, after consideration was given to these comments, interim Emergency Regulations were filed on March 15, 1990, with all additions, deletions, or other modifications subject to further public commentary. A minor technical revision was filed on April 2, 1990, and the final regulations filed with the Secretary of State on October 12, 1990. In April of 1994 Emergency Regulations were filed and a public hearing on the changes was held in May of

1994. Further technical revisions were filed in November of 1994. This document has been published to incorporate new requirements and to recodify and/or clarify existing regulations. In January of 1995 these updated Regulations were filed with the Secretary of State.

**FORMAT:** These regulations have been developed in a manner which attempts to avoid legalistic terminology to the extent practicable to enhance the ability of all affected persons, agencies and suppliers to understand and meet the requirements of Rhode Island law. However, in certain instances, the exact language of the enabling legislation has been used due to its specificity, clarity, or inclusiveness. Language copied precisely from the enabling legislation is indicated by a citation in bold print preceding the quotation. If the language is a rephrasing of the legislation for the sake of brevity or clarity, the reference is preceded by the phrase "in accordance with." Because the order in which the regulations have been presented differs from the enabling legislation a different codification system has been used. Each Section has been assigned a title and unique number.